

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	DEFENDANT'S PROPOSED SPECIAL
)	VOIR DIRE QUESTIONS;
v.)	CERTIFICATE OF SERVICE
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendant.)	
)	
)	

DEFENDANT'S PROPOSED SPECIAL VOIR DIRE QUESTIONS

Defendant Michael Chertoff hereby submits the following list of questions to be addressed to prospective jurors in voir dire:

1. Have you or any of your family members or close friends ever been discriminated against based on race? Explain.

2. This case involves allegations of employment discrimination of retaliation for complaining about alleged race discrimination. Have you or any of your family members or close

friends felt discriminated against based on your/their for complaining about discrimination? Explain.

3. Other than the situations already described, have you or any member of your family or close friend, ever filed a grievance or complaint at your/their place of employment? Explain.

4. Have any of you, or your family members or close friends been involved in disputes, conflicts, or litigation with the Equal Employment Opportunity Commission or the Hawaii Civil Rights Commission? Explain.

5. Have any of you been or are any of you now held any position of authority in a union, such as steward? Explain.

6. Have you ever been demoted, transferred or terminated by a place of employment? Explain.

7. Have you ever applied for and been denied a promotion that you felt you deserved? Explain.

8. Are any of you or your family members or close friends lawyers or paralegals or work in some capacity requiring training in the law? Explain.

9. Does anyone believe that they have been a victim of retaliation by an employer, because of a complaint about the employer's practices? If so, please describe the nature of the situation, when it occurred, and whether it would cause you to take sides in this case.

10. Has anyone filed a labor grievance in connection with your employment? If so, please describe the nature of your grievance, when it occurred, and the outcome.

11. Does anyone believe that they have been unfairly fired, demoted or otherwise disciplined by an employer? If so, please describe the situation.

12. Does anyone believe that Raymond Ware should be entitled to win this case simply by showing that he was treated in a manner you believe to be unfair or unreasonable, even if the treatment was not illegal under the law as given to you by the judge? If so, please explain the reasons for your belief.

13. Has anyone had any problems with the United States Army, or its agents, or the Transportation Security Administration, in any respect? If so, please describe the nature of the problem, when it occurred, and the outcome.

14. Have you ever been sued or participated in the defense of a lawsuit? Explain.

15. We all have certain personal beliefs regarding the law, some of which are strongly held. Is there anyone who would not be able to follow the law as instructed, if you strongly believed that the law was incorrect or should be changed?

Defendant may ask the court's permission to submit additional special voir dire questions, conduct a limited voir dire, and/or to ask relevant follow-up questions.

DATED: January 22, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Thomas A. Helper
THOMAS A. HELPER
Assistant U.S. Attorney

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)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served Electronically through CM/ECF:

Daphne E. Barbee
desekmet@aloha.net

January 22, 2008

DATED: January 22, 2008, at Honolulu, Hawaii.

/s/ Coleen Tasaka-Shoda
